



FOR RELEASE:

ADVANCE FOR THURSDAY AFTERNOON NEWSPAPERS, JULY 3,
NOT TO BE USED BY PRESS, RADIO, OR TV BEFORE
6:30 A.M., EDT, THURSDAY, JULY 3, 1975

The Civil Service Commission has issued new guidelines for evaluating the suitability of individuals for Federal employment.

The guidelines amplify revised suitability standards, approved by the Commission earlier following thorough consideration and consultation with Federal agencies and interested organizations. Both the standards and the guidelines fully reflect significant court decisions, the Government's need to maintain efficiency of operations, and the rights of individuals.

The new guidelines are based on the concept that each case must be decided on its own merits and that all decisions regarding the fitness of applicants or employees should be made in a manner that will promote the efficiency of the service while assuring fair, impartial, and equitable treatment of the individual.

A significant change from past policy -- resulting from court decisions and injunction -- provides for applying the same standard in evaluating sexual conduct, whether heterosexual or homosexual.

"Court decisions require that persons not be disqualified from Federal employment solely on the basis of homosexual conduct," the guidelines point out. "The Commission and agencies have been enjoined not to find a person unsuitable for Federal employment solely because that person is a homosexual or has engaged in homosexual acts. Based upon these court decisions and outstanding injunction, while a person may not be found unsuitable based on unsubstantiated conclusions concerning possible embarrassment to the Federal service, a person may be dismissed or found unsuitable for Federal employment where the evidence establishes that such person's sexual conduct affects job fitness."

Decisions to deny employment to applicants or to separate employees already on the rolls on suitability grounds may be taken only when it can be shown that the conduct of the individual may reasonably be expected to interfere with the ability of the person to function in the job or the agency's ability to discharge its responsibilities. As the courts have ordered, there must be some rational connection between the individual's conduct and the efficiency of the service.

-more-

Approved For Release 2002/03/25 : CIA-RDP79-00498A000200120051-0

Under the policy and its attendant guidelines for evaluating the suitability of individuals, the following factors may be considered as bases for disqualification:

1. Delinquency or misconduct in prior employment.
2. Criminal, dishonest, infamous, or notoriously disgraceful conduct.
3. Intentional false statement, deception, or fraud in examination or appointment.
4. Refusal to furnish testimony (answers) as required by civil service rules.
5. Habitual use of intoxicating beverages to excess.
6. Abuse of narcotics, drugs, or other controlled substances.
7. Reasonable doubt as to the loyalty of the person involved to the Government of the United States.
8. Any statutory disqualification which makes the person unfit for Federal service.

In making suitability determinations, evaluators must consider each of the following factors to the extent that any or all of the factors are pertinent to the individual case under consideration:

- a. The kind of position the person is applying for or serving in, including its sensitivity.
- b. The nature and seriousness of the conduct.
- c. Circumstances surrounding the conduct.
- d. Recency of the conduct.
- e. Age of the person at the time of the conduct.
- f. Contributing social or environmental conditions.
- g. Absence or presence of rehabilitation or efforts toward rehabilitation.

#

Grps. A0, OPA-3-4, OPA-6-15, AXD-1 & Grp. 26

Basic Rights

1. Private consensual sex acts between persons over the age of consent shall not be offenses.
2. Solicitation for any sexual act shall not be an offense except upon the filing of a complaint by the aggrieved party, not a police officer or agent.
- 3. A person's sexual orientation or practice shall not be a factor in the granting or renewing of Federal security clearances, visas, and the granting of citizenship.
4. Service in and discharge from the armed forces and eligibility for VA benefits shall be without reference to homosexuality.
5. A person's sexual orientation or practice shall not affect his eligibility for employment with federal, state, or local governments.¹⁵⁴

While it is impossible to be indifferent to homosexuality since sex is a topic on which everyone has an opinion and while the above goals of the homosexual are presently a future dream which may never crystalize into a reality, it is well to remember that the seeds of change have been sown. Maturity is the rare ability to live with conflicting pairs of truths, and opposing convictions often have equal claims to validity, even as the forces of public opinion constantly shift.¹⁵⁵ In terms of homosexuality,

154. *Id.* at 26. Note: The statement of direction for legal action was prepared by the S.I.R. Legal Committee under its former chairman, attorney David Clayton. The S.I.R. membership has voted overwhelmingly to approve this as the official policy of the organization.

Also included for immediate reform are the following:

1. Police and other government agents shall cease the practice of enticement and entrapment of homosexuals.
2. Police shall desist from notifying the employers of those arrested for homosexual offenses.
3. Neither the police department nor any other government agency shall keep files solely for the purpose of identifying homosexuals.
4. The practice of harrasing bars and other establishments and of revoking their licenses because they cater to homosexuals shall cease.
5. The practice of reviewing less-than-honorable military discharges, granted for homosexual orientation or practice, shall be abolished, with the goal of upgrading such discharges.
6. The Registration of sex offenders shall not be required.
7. City ordinances involving sexual matters shall be rescinded and these matters left to state legislatures.
8. Conviction for homosexual offenses shall not be the basis for prohibiting issuance of professional licenses nor the revocation of these licenses.
- 9. No questions regarding sexual orientation or practice shall appear on application forms, personnel data sheets, or in personal interviews.
10. No government agency shall use the classification of homosexuality as an illness to limit the freedom of any homosexual.

155. *Saturday Review*, Feb. 12, 1972, at 28.